

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

UPLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014100254

ORDER DENYING STUDENT'S
REQUEST TO VACATE DATES AND
SET STATUS CONFERENCE

On February 17, 2015, Student's attorney filed a request to vacate the hearing dates and set a status conference on the ground that Student's parent had accepted the terms of a proposed settlement offer from District. However, the document filed by Student's attorney in support was not a final settlement agreement, but instead was a confidential settlement communication from District on which Student's parent had hand-written an "acceptance" of the terms. On February 18, 2015, District opposed vacating the hearing dates on the ground that no settlement agreement had been signed and that the document filed by Student's attorney specifically required the parties to execute a separate settlement document.

OAH will only vacate hearing dates and set a status conference if the parties present a final, signed settlement agreement that disposes of all claims and the terms of which require the petitioner to dismiss the current action. In addition, the final, signed settlement agreement must by its terms be subject to school board approval, and OAH must be provided the exact date on which the settlement will be considered.

Here, Student has not produced a final, signed settlement agreement subject to school board approval on a date certain. Accordingly, all hearing dates are confirmed, as this matter has not settled.

Student may re-file a request to vacate dates and set a status conference if the parties reach a final, signed settlement, that is subject to board approval on a date certain, and Student provides OAH with the signature pages of the agreement and the date of the board meeting.

DATE: February 18, 2015

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings